IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SCHUYLKILL HEALTH SYSTEM,)
TITUSVILLE AREA HOSPITAL, and)
WARREN GENERAL HOSPITAL, on behalf)
of themselves and all others similarly situated,)
) No. 12-cv-07065-JS
Plaintiffs,)
) Honorable Juan R. Sánchez
V.)
)
CARDINAL HEALTH 200, LLC, and)
OWENS & MINOR DISTRIBUTION, INC.,)
)
Defendants.)
)

MOTION FOR FINAL APPROVAL OF CLASS SETTLEMENTS WITH CARDINAL HEALTH 200, LLC AND OWENS & MINOR DISTRIBUTION, INC.

Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, Plaintiffs move the Court for final approval of the class settlements reached with Defendants Cardinal Health 200, LLC and Owens & Minor Distribution, Inc. as well as the *pro rata* plan of distribution. This motion is based upon the accompanying memorandum in support and all other matters of record.

The settlements are entitled to a presumption of fairness, because the settlement negotiations were undertaken at arm's-length over a period spanning almost a year, by experienced antitrust counsel who entered the negotiations with sufficient background in the facts of the case, and no members of the class have objected. *In re Cendant Corp. Litig.*, 264 F.3d 201, 232 n.18 (3d Cir. 2001). Further, the settlements are fair, reasonable, and adequate, and the *Girsh* factors strongly support approval. *Girsh v. Jepson*, 521 F.2d 153, 157 (3d Cir. 1975). The settlements are fair, reasonable, and adequate given the complexity, expense, and likely duration of the litigation, the stage of the proceedings, and the costs and risks involved in the

litigation for Plaintiffs absent settlement. Moreover, the reaction of the class has been positive, with no objections or requests for exclusion received. Finally, the *pro rata* plan of allocation, which was described to settlement class members in the class notice and received no objections, is reasonable and consistent with those approved in other cases.

Accordingly, Plaintiffs respectfully request that the Court grant the motion.

Respectfully submitted, May 31, 2016

/s/ Brent W. Landau

Brent W. Landau
Gary I. Smith, Jr.
HAUSFELD LLP
325 Chestnut Street, Suite 900
Philadelphia, PA 19106
t: (215) 985-3270
f: (215) 985-3271
blandau@hausfeld.com
gsmith@hausfeld.com

Hilary K. Scherrer*
HAUSFELD LLP
1700 K Street NW, Suite 650
Washington, DC 20006
t: (202) 540-7200
f: (202) 540-7201
hscherrer@hausfeld.com

Attorneys for the Proposed Settlement Classes

^{*} Admitted pro hac vice

CERTIFICATE OF SERVICE

I hereby certify that I caused to be filed the foregoing motion, the memorandum in support thereof, and a proposed order with the Clerk of Court using the CM/ECF system, which served copies of the same on counsel for all parties.

Dated May 31, 2016. /s/ Gary I. Smith, Jr.
Gary I. Smith, Jr.